IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 10 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/12/2004 in WP NO :25929 OF 2003 on the file of the High Court.)

Between:

A. Chandraiah, S/o. Mallaiah, aged 40 years, resident of Kodad, Nalgonda District.

..... APPELLANT

AND

1 The APSRTC, rep. by its Regional manager, Nalgonda Region, at Nalgonda Dsitrict.
2 The Depot Manager, Kodad, Nalgonda District.

.....RESPONDENTS

Counsel for the Appellant: MR.PALLE NAGESWAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court, at the stage of admission, made the following:

JUDGMENT : (Per Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P. No:25929 of 2003, under which the learned single Judge dismissed the said writ petition.

The appellant herein is the writ petitioner. He has filed the writ petition in W.P.25929 of 2003 seeking to declare the action of the respondents in disengaging him from service orally and insisting him to get the genuine driving license instead of verifying the same with the concerned authority and rejecting his case vide the orders impugned as illegal, unjust and arbitrary and set aside the same. The learned single Judge having observed that merely on apprehension that the writ petitioner is sought to be disengaged, cannot be a ground to interfere under Article 226 of the Constitution of India, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner-appellant herein.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record. It is observed by the learned single Judge that there is absolutely no explanation as to why such steps are not being taken by the petitioner by approaching the authorities in order to prove the genuineness of the driving licence. It is contended by the learned counsel for the writ petitioner-appellant that having satisfied about the license held by him at the time of appointment, it is not open for the respondents to go on asking for verifying the same and also further contended that it is very difficult for the writ petitioner to obtain any certificate and respondents themselves could have as well approached the authorities concerned for verification of the same. The further contention of the learned counsel for the writ petitioner is that having asked for such particulars, now the respondents are trying to disengage him from service without any reasonable cause.

It is a settled principle that in case of administrative orders, the Courts will not interfere unless there is arbitrariness or malafides in passing such oral or written orders. In this regard, the learned single Judge has rightly observed that in fact the writ petitioner should have approached the respondents for the purpose of satisfying the genuineness and mere apprehension that the writ petitioner is sought to be disengaged, cannot be a ground to interfere under Article 226 of the Constitution of India.

In the circumstances, We do not find any illegality or irregularity in the order passed by the learned single Judge, and the same does not warrant any interference by this Court. Accordingly, this writ appeal is liable to be dismissed.

In the result, the Writ Appeal is dismissed at the admission stage. No costs.

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Justice T.Meena Kumari

Date : 17th January, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Regional Manager, APSRTC, , Nalgonda Region, at Nalgonda Dsitrict.
2. The Depot Manager, Kodad, Nalgonda District.

3. Two CD copies.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No.10 of 2005

(Judgment delivered by Honourable Smt. Justice T.Meena Kumari)

17th January, 2005